



LIQUOR & TOBACCO ADVISORY BOARD
Wednesday, February 19, 2014
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LTAB Members: Aaron Magdziarz
Alicia Neubauer
Dennis Olson
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent:

Staff: Angela Hammer - City Attorney
Todd Cagnoni – Director, Community & Economic Development Dept.
Tim Morris - Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others: Kerry Partridge – City Attorney
Alderman Linda McNeely
Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party

- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, March 3, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:05 PM. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the January 22, 2014 meeting as submitted. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

013-LTAB-047

Applicant
Ward 03

1710 Rural Street

Nick Fosberg d/b/a Rural on Tap

Sale of liquor by the drink in conjunction with a bar in a C-2, Limited Commercial Zoning District
Laid Over from December & January meetings

The Applicant has requested that this item be Laid Over to the March 18th meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the sale of liquor by the drink in conjunction with a bar in the name of Nick Fosberg d/b/a Rural on Tap in a C-2, Limited Commercial Zoning District at 1710 Rural Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

014-LTAB-001

Applicant
Ward 10

1416, 1418, 1422 20th Street

Anthony G. Soppa d/b/a George's Place, Inc.

Sale of beer and wine in conjunction with a bar and gaming facility in a C-3, General Commercial Zoning District

Prior to the meeting, the Applicant's attorney requested that this item be Laid Over to the March 18, 2014 meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the sale of beer and wine in conjunction with a bar and gaming facility in the name of Anthony G. Soppa d/b/a George's Place, Inc. in a C-3, General Commercial Zoning District at 1418, 1422 20th Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

014-LTAB-002

Applicant
Ward 13

320 North Court Street

Samir R. Rathod d/b/a 320 Grocery

Sale of tobacco products in conjunction with a grocery store in a C-3, General Commercial Zoning District

The subject property is located approximately 96 feet' north of West Jefferson Street and west of North Court Street and currently is a grocery store. Samir Rathod, Applicant, was present and reviewed his

request. Mr. Rathod recently purchased this grocery store in October 2013 and wishes to add the sale of tobacco.

City Attorney Angela Hammer asked if he was acceptable of Staff conditions to which he responded he was.

Staff Recommendation is for Approval with (6) conditions. Objectors or Interested Parties were present. In addition, a letter of objection was received from William Hoff, President of the Second Congregational Church Foundation at 322 & 326 North Court. He stated his concern with the marketing and sale of tobacco being detrimental to children.

Alderman Linda McNeely was present as an Objector. She stated there is another business west of this location that also sells tobacco. She is concerned with the number of retail stores selling tobacco in the same area. This has been a grocery store for a number of years and has been successful without the sale of tobacco.

Kathleen Ferrero and Steven Showers and Steven Showers, 318 N. Church, Second Congregational/First Presbyterian Church were present as objectors. Mr. Showers stated they are located across the street from the Applicant's property. He stated they run an after school program for young students and they are concerned with the use of cigarettes and tobacco around them. He is also concerned that in the future this grocery store may file a request for the sale of liquor. He does not feel this business really fits the definition of a grocery store. Ms. Ferrero stated there are several churches in the vicinity of this store and reiterated the concern with promoting the sale of tobacco around school aged children.

In response, Mr. Rathod stated they have made a lot of changes in the store. He stated every grocery store sells tobacco. They are not open on Sundays. He stated he already has a liquor store in Rockford and is not wanting to sell of liquor at this location. He stated if other businesses are allowed to sell tobacco he feels he should as well.

Mr. Olson stated he would not support this application because he does not feel this is the right area.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of tobacco products in conjunction with a grocery store in the name of Samir R. Rathod d/b/a 320 Grocery in a C-3, General Commercial Zoning District at 320 North Court Street with the following conditions.

1. Must meet all applicable building, fire and tobacco codes.
2. Hours are limited to Monday – Saturday 8:00 a.m. to 6:30 p.m.
3. Inside signage cannot exceed more than 35% of the window surface and any temporary signs in violation must be removed.
4. That the windows shall not be covered with bars or other devices that block the windows.
5. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
6. The sale of water pipes and "hookah" pipes are prohibited.

The Motion was **SECONDED** by Craig Sockwell and **FAILED TO CARRIED** by a vote of 3-3 with Scott Sanders, Alicia Neubauer and Dennis Olson voting Nay. This item will move forward with a recommendation of **DENIAL**.

With no further business to come before the Board, the meeting was adjourned at 6:20 PM

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board